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OFFICE OF PETITIONS

In re Application of :
Cynthia Bamdad et al. :
Application No. 09/996,069 : DECISION ON PETITION
Filed: November 27, 2001 :
Attorney Docket No. M1015.70071US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 27, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 1, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 2, 2007. A Notice of Abandonment was mailed on July 2, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of \$770.00, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$525.00 extension of time fee submitted with the petition on December 27, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1642 for appropriate action by the Examiner in the normal course of business on the reply received December 27, 2007.

A handwritten signature in black ink, appearing to read "Andrea Smith". The signature is written in a cursive, flowing style.

Andrea Smith
Petitions Examiner
Office of Petitions